

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: EXPUD-01
Effective Date: 8/21/06
Originally Issued: Replaces verbal interpretation

Question:

What site standards apply to existing Planned Unit Developments (PUDs)?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**

13.10.240
18.10.185

INTERPRETATION:

There are four common scenarios when determining site standards for existing PUDs:

1. The PUD conditions call out specific site standards. In this case, we use those site standards including the methods in effect at the time of PUD adoption for calculating them (such as height measurement). We do not apply site standards created since the PUD adoption (such as FAR). Paradise Park is an example of this type of PUD;
2. The PUD conditions state that the project will meet the site standards in effect when adopted but do not specifically call them out. In this case, we use the site standards that existed at that time including methods in effect at that time for calculating them. We do not apply site standards created since the PUD adoption (such as FAR). Hidden Glen is an example of this type of PUD;
3. The PUD conditions are silent as to site standards but the discretionary project application included preliminary building plans (such as townhouses). In this case, we use the site standards that existed at that time (as illustrated by the preliminary building plans) including methods in effect at that time for calculating them. We do not apply site standards created since the PUD adoption;
4. The PUD conditions are silent as to site standards and the discretionary project application did not include preliminary building plans. In this case, other than any approved building envelopes, we apply current site regulations including those created since the PUD adoption.

Reason:

The PUD is a powerful planning tool that can establish specific uses, infrastructure and site standards different from existing ordinance regulations. PUDs are adopted by the Board of Supervisors by ordinance, as is the Zoning Ordinance, and have equal standing; therefore, when Zoning Ordinance regulations are amended, PUDs do not become nonconforming structures or uses.

PUDs have been used, over the years, for many reasons. Prior to 1983, a PUD was the only method available to approve lot clustering. All townhouse projects (but not condominiums) prior to 1983 required PUD approval. It is important to remember that approval of alternative site standards was not always a component of a PUD request.

The category of PUDs discussed in #1 and #3 of the interpretation represents projects where the size, location, and sometimes, style of the structures were known and addressed at the time of approval. Usually, the specified site regulations did not meet the regulations of that time and the project would not work without the different site regulations. Taking this into account, it is appropriate that more recent site regulations should not apply.

The category of PUDs discussed in #2 of the interpretation met the site regulations at the time of approval, and while no variations were requested, there was an expectation that the then current standards would be applied into the future. Most PUDs in this category did not include project plans.

This policy interpretation applies only to adopted PUDs and is not applicable to projects approved by only a Planned Development or Use Permit. The Department began processing PUDs in 1973. Not sure if a development has a PUD? There is a binder at the Zoning Counter that lists PUD applications.

Tom Burns
Planning Director

Date